

TOWN OF IPSWICH

Board of Selectmen

Meeting of Tuesday, September 17, 2012 ~ 7 pm
Ipswich Town Hall, 25 Green Street

Meeting Minutes Approved October 1, 2012

Pursuant to MGL Chapter 30A, written notice posted by the Town Clerk and delivered to all Board members, a meeting of the Board of Selectmen was held on Tuesday, September 17, 2012 at 7 pm in Meeting Room A.

With a quorum present, Mr. Craft called the meeting to order at 7:02 pm

Selectmen present: William Craft, Chair; Charles Surpitski, Vice Chair; Shirley Berry, Nishan Mootafian

Not Present: Patrick McNally

Also present: Robin Crosbie, Town Manager; Catherine Tinsley, Minutes Secretary

Abbreviations used:

BOS Board of Selectmen

Public Information:

Agenda

Welcome /Announcements

Citizen Queries

Phil Goguen, Kingfisher Road, asked the BOS if he could do a presentation on voting keypads. He noted it takes 30 seconds to tally the votes and suggested these would be good for Town Meeting.

Kathy Spinale, Pleasant Street, requested the BOS determine how to enforce the bylaw that states residents must shovel the sidewalk in front of their house before winter. She stressed the importance that sidewalks are clear, especially for children walking to school.

She also emphasized that the open meeting law be adhered to by all boards and committees noting that the Planning Board did not have the Warrant Hearing on the agenda, therefore the hearing was not held.

Consent Agenda

VOTE: Mr. Surpitski moved to approve the consent agenda. Mr. Mootafian seconded and the motion carried unanimously.

Lifetime Shellfish Permits - Norman Stone

One-Day Liquor License - Ascension Memorial Church for one one-day beer and wine license

Approved Banners:

Event: Ipswich Lions Chowder fest Date of Event: Saturday, October 6, 2012

Event: Ipswich is First Period Date of Event: November 15 – 25, 2012

Approval of Minutes: August 20, 2012 & September 4, 2012

VOTE: Ms. Berry moved to approve the August 20, 2012 minutes. Mr. Surpitski seconded and the motion carried unanimously.

VOTE: Ms. Berry moved to approve the September 4, 2012 minutes. Mr. Mootafian seconded and the motion carried unanimously.

Town Manager Report

Ms. Crosbie reported on the following:

Monthly department head reports were sent to the BOS

Ambulance RFP drafted

Public projects

Capital planning
Streamlining the permitting process
Training

Regarding the citizen's request that the Town look into adding signs in the area of Winthrop School to identify it as a School Zone, Chief Nikas was consulted and reported that because the school is on Route 1A, it is under the jurisdiction of the State. He noted in his response that the crosswalk at Winthrop School has a signal, which is considered a higher level of safety than a school "zone" sign. Mr. Surpitski noted the speed limit is 25 miles per hour, and suggested increased speed limit enforcement in this area. Chief Nikas was asked to write to MassDOT to obtain permission to post a "school zone sign"

Regarding the question if Ipswich residents could be charged for Cranes Beach Stickers, Town Counsel reviewed all documents attached to the deed and responded that it is in the authority of the Town to impose a fee; there is no stipulation of how that money is spent.

PUBLIC HEARING – Winter Water Rates

Mr. Craft read the Legal Notice at 7:30 pm and opened the hearing.

Residents of the Town of Ipswich please note that the Board of Selectmen, as Water Commissioners, will hold public hearings on Monday, September 17, 2012, and on Monday, October 1, 2012, both at 7:45 PM, in the Selectmen's meeting room of Town Hall, to consider amendments to Article VIII of the Water Division Regulations of the Town of Ipswich to change the water rates effective October 1, 2012, as follows:

Section 5: Normal User Charges (a) Winter Residential Rate From

October 1st to April 30th

All Other User Charges Year Round (Base Rate)

From \$8.69/100 cu. ft. (summer rate) to \$3.84/100 cu. ft. (winter rate effective October 1, 2012 through April 30, 2013.

Base rate increase from \$5.79/100 cu. ft to \$6.37/100 cu. ft

Present: Tim Henry Director of Utilities; Vicki Halmen, Water / Wastewater Manager

Ms. Halmen referenced a PowerPoint presentation during the hearing to raise water rates. This is an increase of about 10%.

Ms. Halmen explained the increase reviewing the 2010 town meeting approved water main replacements for Washington and North Main Street, and the Dow Brook Water System upgrades, and the 2012 town meeting approved the water main replacement on Jeffrey's Neck Road. Current projections call for another 10% increase in FY14 and 8 % in FY15.

The Water Subcommittee recommended adjusting the Base Rate of \$5.79 per 100 cubic feet to \$6.37 per 100 cubic feet, effective October 1, 2012.

The "Seasonal Rate" adjustment in May and October has been in place since 2003 to manage summer water consumption, and to be revenue neutral. The summer rate is 1.5 times the base rate and the winter rate is based on revenues generated in the summer.

Included in the report was that annual pumping has declined since 1999, after the town was issued Administrative Consent Order for exceeding registered withdrawal from the Parker River Watershed.

Water Subcommittee recommends adjusting the Summer Rate of \$8.69 per 100 cubic feet to a Winter Rate of \$3.84 per 100 cubic feet.

☐ The Winter Rate will be effective October 1, 2012 through April 30, 2013.

Ms. Berry asked that a timeline of repairs be added into the news letters sent out with the water bills.

The hearing was continued to October 1, 2012.

PUBLIC HEARING – Review and Signing of the STM 2012 Warrant

Mr. Craft read the legal notice at 7:59 pm and opened the hearing.

Residents of the Town of Ipswich please note the Board of Selectmen will conduct a public hearing on Monday, September 17, 2012, at 8:00 PM in the Selectmen's Meeting Room of Town Hall relative to the Warrant for the Special Town Meeting to be held on Monday, October 15, 2012.

Present: Tom Murphy, Town Moderator

Ms. Crosbie reviewed the Special Town Meeting warrant for October 15, 2012.

It was noted the Warrant contained the summary of the articles.

Article 1 – Unpaid Bills

Legal - \$2,911

DPW - \$10,117.57

Water - \$11, 406.35

Article 2 – FY13 Town Budget Amendments

Appropriate \$17,200 in local aid from the Commonwealth of Mass to Facilities Department to fund repair to cemetery office and garage; Cost overrun on repairing sidewalk at Town Hall; Wiring, equipment and modifications to outfit the Emergency Operations center in Town Hall

To appropriate \$13,763 for Health Insurance

To appropriate \$75,000 from Waterways Improvement Fund for Harbormaster's boat

To appropriate \$68,000 from Free Cash for two new police cruisers

Article 3 – FY 13 School Budget Amendments

Appropriate \$112, 645 from Free Cash to reimburse School Department for Federal Medicaid Fund deposited in the General Fund during FY 12

Appropriate \$187,437 from the additional local aid from the Commonwealth of Massachusetts to the School Department budget.

Article 4 – Acceptance of State Legislation: Other Post Employment Benefits Trust Fund

Amend Protective Zoning Bylaw of the Town of Ipswich:

Article 5 – Ground Mounted Solar Photovoltaic Installations

Article 6 – Keeping of Backyard Chickens

Article 7 – Affordable Housing Revisions

Article 8 – Miscellaneous Zoning Amendments

Article 9 – Great Neck Estates Revisions

Article 10 – Reconsideration

Present: Police Chief Nikas, spoke regarding the need to purchase a new Harbormaster's patrol boat citing the old boat is not sufficient to meet the job requirements. This purchase does not affect the tax rate; it is paid from the Waterways Improvement Fund. Chief Nikas also talked about the request to appropriate \$68,000 for the purchase of two new police interceptor cruisers, stating the need is to replace old unreliable cruisers with high mileage in excess of 110,000 miles.

He provided the BOS with documentation for Front Line Police Fleet – Operational Breakdown including the cruiser, YTD gallons, Fuel Cost, EPA Rating MPG, YTD Miles, Repair Costs, Total Mileage, and comparisons for operational savings after replacements.

Ms. Crosbie stated that these cruisers are overdue for replacement and is a liability and operating cost for the Town. The Selectmen individually opined on articles 1 – 4 and they unanimously supported these articles for the Special Town Meeting.

VOTE: Ms. Berry moved the first four articles be included in the warrant for the Special Town Meeting. Mr. Surpitski seconded and the motion carried unanimously.

Article 8

Present: Glenn Gibbs, Planning Director; Heidi Paek, Planning Board; Eric Colville, Assistant Building Inspector
Mr. Gibbs noted the Planning Board (PB) is recommending the proposed language in the articles before the Board. Some miscellaneous zoning amendments were eliminated.

There was a lengthy discussion of understanding that the "lot width" would be defined as the closest distance from the corner of the principal building to the front property line. This provides clarity for the Building Inspector

Add definition of Public Recreational Facility: a physical asset owned or operated by a government agency used for the

particular purpose of recreation.

The existing bylaw unnecessarily requires that developers get both ZBA and Planning Board approval on certain projects. This applies only when both Planning Board and Zoning Board have an interest in an application in an effort to streamline the permitting process. This does not allow the Planning Board to issue or override a variance.

Ms. Berry asked that members of the ZBA be present during these discussions. Mr. Gibbs noted that the Zoning Board hears appeals and does not have input on the writing of zoning bylaws.

9:25 pm Mr. Surpitski and Ms. Paek left the meeting.

Article 7

Article 7 adds provisions to authorize the PB to be able to accept payment in lieu of funds for assisted living facilities of ten units or more, rather than to provide at least 10% of their units as affordable, either on site or offsite, but only if the Board determines it is the most appropriate and feasible way of satisfying the affordable housing objective. The article stipulates that prior to allowing the alternative requirements, the PB must consult with and seek the consent of the Ipswich Affordable Housing Partnership. The article also directs the PB to advise the Affordable Housing Trust Fund to give preference on the use of funds received by Assisted living facilities to individuals 65 years of age or older.

Charlie Allen, Chair of Affordable Housing Partnership, spoke in support of this amendment.

Mr. Craft responded that in his opinion, this is not necessary and does not belong in the zoning. Ms. Berry opined that article 7 is complicated and not necessary at this time and asked that the Town Manager seek advice from Town Counsel.

Linda Alexson, Juniper Street, stated that the community would benefit from the housing, and that the affordable units be made in perpetuity. She referenced the State's web site that identified a waiting list for assisted living units.

The Affordable Housing Partnership agrees that the affordable units benefit the community but with assisted living, there is the cost for the living space and money needed for daily living (nursing, food, care). Even if the resident qualifies for the housing, they will not have the money for the high cost of the services of assisted living.

Mr. Gibbs told the board the applicant wants to build the affordable units, but if the units remain vacant, it does not do any good.

The payment into the affordable housing fund would be the delta between the rental of the unit and the affordable rent, not services.

Mr. Salmon, Brownville Ave, supported that funds be set up to assist the elderly in town.

Regarding Article 5 Ground Mounted Solar Photovoltaic Installations, this pertains to commercial property, and only units on the ground. The wattage of the output of the project is now the identifying means, rather than size.

Ms. Crosbie questioned if the town can recoup the cost of removing the panels from a property in the event the town becomes responsible for the property.

Article 6, the Keeping of Backyard Chickens, includes striking the various regulations imposed by animal control, and will be added to the general bylaw to allow regulations.

Mr. Gibbs noted that Zoning bylaws must be approved by the Attorney General; if approved, this is expected to happen around February 2013.

Great Estates Bylaw is a technical change to allow a potential conveyance of property for conservation to go forward.

VOTE: Mr. Craft moved to place the remainder of the articles on the warrant for the purpose of discussion. Ms. Berry seconded.

Ms. Berry did not support the miscellaneous Article 8 with five sub sections and asked that they be separate articles.

Mr. Mootafian asked for a list of what the PB will have authority over is written into the synopsis. Mr. Gibbs agreed to provide a list.

The motion carried unanimously to put articles 5 through 10 on the STM Warrant.

Conservation Restriction for Moody's Island

Mr. Gibbs stated that the Conservation Commission voted unanimously to approve and sign the requisite consent of the proposed Conservation Restriction for the public property at Moody and Bagwell Islands. A million dollar grant is tied to this process and once it is filed with the State, the Town is not responsible for repayment of this grant.

VOTE: Ms. Berry moved to agree and sign the Conservation Restriction for Moody's Island. Mr. Mootafian seconded and the motion carried unanimously.

Approval of Oyster Growth Rate Study

Present: Professor Jonathan Grabowski, Northeastern University; Police Chief Nikas

This is an oyster experiment through Northeastern University to monitor oyster growth in Massachusetts.

Chief Nikas stated the Shellfish and Advisory Committee voted to approve the experiment as outlined contingent on the following conditions:

- Seed is approved by the Department of Marine and Fisheries as disease free

- The experiment is approved by DMF

- Notification of the project is made to the Conservation Commission Agent

- No oyster pavers be placed in actively farmed clam beds, as determined by Shellfish Constable

- Commercial Clammers are notified by message on the Clam Line and signage at Eagle Hill Landing.

- If the experiment cannot be completed this fall due to weather conditions, a springtime start is permissible; same conditions

- Notified of oyster pavers on message board/ telephone

Professor Grabowski addressed the Board saying that oysters are found along the east coast from Florida to Maine.

The experiment will determine how adaptable oysters are to different latitudes. He explained that juvenile oysters would be monitored for 6 weeks for growth, condition, survivor rate, and disease; only native species will be used.

The BOS were provided with photos of a similar experiment showing the tiles and pavers..

The National Science Foundation is funding the experiment.

The BOS supported that selective students from the HS be chosen to assist in the placement.

VOTE: Mr. Mootafian moved to approve the oyster experiment. Ms. Berry seconded and the motion carried unanimously.

Old Business/Updates

Acceptance of Fire Vehicle Donation – Fire Chief Smith

Present: Fire Chief Smith and Police Chief Nikas spoke in support of the Town accepting this unit, a 2000 Ford Expedition XLT, from the MBTA, for use as a K9 vehicle for the transport of Search & Rescue dogs.

The cost to the Town is nominal. The Essex County Rescue Team is providing 5 gallons of gas per week, and maintenance on the vehicle. At the end of the life of the vehicle, the Town may do with it what they want with the vehicle. The vehicle will be with firefighter (FF), Prentiss at the station (on duty) or at his home for quick response; it is equipped with cages and equipment for the dog and renders it useless for other activities.

Lee Prentiss has been a FF for 16 years and has spent his own time/ money to get dogs certified. He was at Ground Zero, responded to hurricane Katrina, Danvers explosion and most recently after the tornado in western Massachusetts. The BOS were clear to state that the Town will not provide a replacement K9 vehicle and will not fund additional costs associated with the vehicle and that this is strictly a K9 unit. Mr. Craft reiterated the K9 unit is only being considered because FF Prentiss is a part of the Ipswich Fire department.

VOTE: Ms. Berry moved to accept the donation of the 2000 Ford Expedition XLT from the MBTA for use as a K9 vehicle for search and rescue dogs, under all applicable MGL and Town bylaws and the Agreement be executed as presented. Mr. Mootafian seconded. Ms. Berry asked that Firefighter Prentiss come before the BOS, with his dogs, and be recognized by the Town.

The motion carried unanimously.

Ambulance Service Contract

Present: Police Chief Nikas, Fire Chief Smith

Chief Nikas read a letter to the BOS:

- After updating the Board on Sept. 4th, the Ambulance RFP working group continued meeting and researching other Ambulance contracts for preparation of creating a new RFP to present to the Board for their review. This

group met on September 6th, 10th and 11th to review all the information gathered and respond to any concerns that were brought to our attention.

The goal of our group was to provide the best level of EMS service available, at a reasonable cost to the citizens. We researched other municipality's contracts, reviewed the last 5 years of EMS data in Ipswich, and reviewed concerns that were present to us in writing.

After our review, it was clear we needed to add some language to better protect the Town's citizens. This is not to suggest these services were not being provided by our current contractor, but the contract simply failed to address the issue. As an example, we believe any contractor needs to provide Pediatric Advance Life Support (PALS) certifications for its Paramedics. Another area we felt needed improvement was language to provide free training services for our Police and Fire personnel in the medical field.

Before you tonight is the completed RFP draft. We request you review this document and provide us with any additions or changes you wish make. We believe this document will foster a highly competitive bid process between Ambulance Companies, resulting in the best available EMS contract for the Town at the most competitive price.

The changes were outlined to include such training as CPR, EMT, deliberators, etc. for fire / police

It was noted that ambulance service is exempt from the bid process.

Chief Nikas clarified that ambulances do not stay just in Ipswich; this would be cost prohibitive, but are within a specific response time.

Ms. Berry thanked those involved in preparing the RFP including the Police Chief, Fire Chief, Town Manager and Purchasing agent, Frank Antonucci.

New Business

United nations day proclamation - October 24, 2012

VOTE: Mr. Mootafian moved to accept the United Nations Day proclamation. Ms. Berry seconded and the motion carried unanimously.

YMCA Water Bill

Ms. Berry will bring the bill to the Water Sub Committee for discussion.

VOTE: Ms. Berry moved to adjourn at 11:35 pm and it was unanimous to do so.

Respectfully submitted by

Catherine Tinsley